



February 13, 2015

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## HOUSE BILL No. 1624

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DIGEST OF HB 1624 (Updated February 11, 2015 6:25 pm - DI 107)

**Citations Affected:** IC 7.1-1; IC 7.1-2; IC 7.1-3; IC 7.1-5.

**Synopsis:** Sale of alcoholic beverages. Provides that a holder of an alcoholic beverage permit who is authorized by law to sell alcoholic beverages for carryout may sell alcoholic beverages for carryout on Sunday from 7 a.m., prevailing local time, until 3 a.m., prevailing local time, the following day. Requires alcoholic beverage sales in a drug store or grocery store to be rung up by a sales clerk and liquor in a drug store to be accessed by a sales clerk who: (1) has an employee permit; and (2) has alcohol server training. Provides that the provision that allows individuals who are at least 19 but less than 21 years of age to ring a sale of alcoholic beverages in the course of the individual's employment does not apply to dealer establishments. Makes it unlawful for: (1) the holder of a liquor dealer's permit, other than a package liquor store, to sell or distribute liquor through a self-service display; (2) the holder of a beer dealer's permit or wine dealer's permit to display beer or wine or beer and wine in more than one area or aisle of a licensed premises unless the alcohol is displayed in another partitioned area or room that is separate from other retail items for sale on the premises; and (3) a person who is the proprietor of a package liquor store, drug store, or grocery store to allow a purchaser, or any other person who is not a sales clerk, to ring up or otherwise record an alcoholic beverage sale. Establishes requirements and restrictions for certain drug stores or grocery stores and restaurants that are located in the same building.

**Effective:** July 1, 2015.

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**Dermody, Eberhart, Austin,  
GiaQuinta**

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January 22, 2015, read first time and referred to Committee on Public Policy.  
February 12, 2015, amended, reported — Do Pass.

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HB 1624—LS 7190/DI 110





February 13, 2015

First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## HOUSE BILL No. 1624

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 7.1-1-3-40.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2015]: **Sec. 40.5. "Sales clerk" means a**  
4 **person who:**  
5 **(1) rings up or otherwise records an alcoholic beverage for**  
6 **sale; or**  
7 **(2) assists customers in accessing liquor in a drug store;**  
8 **in the course of the person's employment in a dealer establishment.**  
9 SECTION 2. IC 7.1-2-3-16.5, AS AMENDED BY P.L.109-2013,  
10 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2015]: Sec. 16.5. (a) As used in this section, "facility"  
12 includes the following:  
13 (1) A facility to which IC 7.1-3-1-25(a) applies.  
14 (2) A tract that contains a premises that is described in  
15 ~~IC 7.1-3-1-14(c)(2).~~ **IC 7.1-3-1-14(d)(2).**

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(3) A horse track or satellite facility to which IC 7.1-3-17.7 applies.

(4) A riverboat or racetrack to which IC 7.1-3-17.5 applies.

(5) A tract that contains an entertainment complex.

(b) As used in this section, "tract" has the meaning set forth in IC 6-1.1-1-22.5.

(c) A facility may advertise alcoholic beverages:

(1) in the facility's interior; or

(2) on the facility's exterior.

(d) The commission may not exercise the prohibition power contained in section 16(a) of this chapter on advertising by a brewer, distiller, rectifier, or vintner in or on a facility.

(e) Notwithstanding IC 7.1-5-5-10 and IC 7.1-5-5-11, a facility may provide advertising to a permittee that is a brewer, an artisan distiller, a distiller, a rectifier, or a vintner in exchange for compensation from that permittee.

SECTION 3. IC 7.1-3-1-14, AS AMENDED BY P.L.10-2010, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 14. (a) It is lawful for an appropriate permittee, unless otherwise specifically provided in this title, to sell alcoholic beverages each day Monday through Saturday from 7 a.m., prevailing local time, until 3 a.m., prevailing local time, the following day. ~~Sales shall cease wholly on Sunday at 3 a.m., prevailing local time, and not be resumed until the following Monday at 7 a.m., prevailing local time.~~

(b) It is lawful for the holder of a retailer's permit to sell the appropriate alcoholic beverages for consumption on the licensed premises only on Sunday from 7 a.m., prevailing local time, until 3 a.m., prevailing local time, the following day.

**(c) A holder of an alcoholic beverage permit who is authorized under this title to sell alcoholic beverages for carryout may sell the appropriate alcoholic beverages on Sunday for carryout from 7 a.m., prevailing local time, until 3 a.m., prevailing local time, the following day.**

~~(c)~~ **(d)** It is lawful for the holder of a permit under this article to sell alcoholic beverages at athletic or sports events held on Sunday upon premises that:

(1) are described in section 25(a) of this chapter;

(2) are a facility used in connection with the operation of a paved track more than two (2) miles in length that is used primarily in the sport of auto racing; or

(3) are being used for a professional or an amateur tournament; beginning one (1) hour before the scheduled starting time of the event



or, if the scheduled starting time of the event is 1 p.m. or later, beginning at noon.

~~(d)~~ (e) It is lawful for the holder of a valid beer, wine, or liquor wholesaler's permit to sell to the holder of a valid retailer's or dealer's permit at any time.

SECTION 4. IC 7.1-3-1.5-2, AS ADDED BY P.L.161-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. As used in this chapter, "dealer permittee" means a person who holds a ~~liquor~~ dealer permit. ~~under IC 7.1-3-10 for a package liquor store.~~

SECTION 5. IC 7.1-3-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) The holder of a beer retailer's permit shall be entitled to purchase beer for sale under ~~his the holder's beer retailer's~~ permit only from a permittee entitled to sell to ~~him the holder~~ under this title. A beer retailer shall be entitled to possess beer and sell it at retail to a customer for consumption on the licensed premises. A beer retailer also shall be entitled to sell beer to a customer and deliver it in permissible containers to the customer on the licensed premises, or to the customer's house.

(b) A beer retailer shall not be entitled to sell beer at wholesale. ~~He~~ **A beer retailer** shall not be entitled to sell and deliver beer on the street or at the curb outside the licensed premises, nor shall ~~he the beer retailer~~ be entitled to sell beer at a place other than the licensed premises. However, a beer retailer may offer food service (excluding alcoholic beverages) to a patron who is outside the licensed premises by transacting business through a window in the licensed premises.

(c) **Except as provided in IC 7.1-5-10-26**, a beer retailer shall be entitled to sell and deliver warm or cold beer for carry out, or for at-home delivery, in barrels or other commercial containers in a quantity that does not exceed fifteen and one-half (15 1/2) gallons at any one (1) time.

SECTION 6. IC 7.1-3-9-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) The holder of a liquor retailer's permit shall be entitled to purchase liquor only from a permittee entitled to sell to ~~him the holder~~ under this title. A liquor retailer shall be entitled to possess liquor and sell it at retail to a customer for consumption on the licensed premises. A liquor retailer also shall be entitled to sell liquor to a customer and deliver it in permissible containers to the customer on the licensed premises, or to the customer's house.

(b) A liquor retailer shall not be entitled to sell liquor at wholesale.



1 ~~He~~ **A liquor retailer** shall not be entitled to sell and deliver liquor on  
 2 the street or at the curb outside the licensed premises, nor shall ~~he~~ **the**  
 3 **liquor retailer** be entitled to sell liquor at a place other than the  
 4 licensed premises. However, a liquor retailer may offer food service  
 5 (excluding alcoholic beverages) to a patron who is outside the licensed  
 6 premises by transacting business through a window in the licensed  
 7 premises.

8 (c) **Except as provided in IC 7.1-5-10-26**, a liquor retailer shall not  
 9 be entitled to sell and deliver liquor for carry out, or for at-home  
 10 delivery, in a quantity that exceeds four (4) quarts at any one (1) time.

11 SECTION 7. IC 7.1-3-9-12 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. (a) This section  
 13 applies to:

14 (1) the holder of a three-way permit that is issued to a civic  
 15 center, a sports arena, a stadium, an exhibition hall, an  
 16 auditorium, a theater, a tract that contains a premises that is  
 17 described in ~~IC 7.1-3-1-14(c)(2)~~, **IC 7.1-3-1-14(d)(2)**, or a  
 18 convention center; or

19 (2) the holder of a catering permit while catering alcoholic  
 20 beverages at a civic center, a sports arena, a stadium, an  
 21 exhibition hall, an auditorium, a theater, a tract that contains a  
 22 premises that is described in ~~IC 7.1-3-1-14(c)(2)~~,  
 23 **IC 7.1-3-1-14(d)(2)**, or a convention center.

24 (b) As used in this section, "suite" means an area in a building or  
 25 facility referred to in subsection (a) that:

- 26 (1) is not accessible to the general public;  
 27 (2) has accommodations for not more than seventy-five (75)  
 28 persons per suite; and  
 29 (3) is accessible only to persons who possess a ticket:  
 30 (A) to an event in a building or facility referred to in  
 31 subsection (a); and  
 32 (B) that entitles the person to occupy the area while viewing  
 33 the event described in clause (A).

34 The term does not include a restaurant, lounge, or concession area,  
 35 even if access to the restaurant, lounge, or concession area is limited to  
 36 certain ticket holders.

37 (c) A permittee may allow the self-service of individual servings of  
 38 alcoholic beverages in a suite.

39 (d) A person who:

- 40 (1) possesses a ticket described in subsection (b)(3); and  
 41 (2) is at least twenty-one (21) years of age;

42 may obtain an alcoholic beverage in a suite by self-service.



(e) A permittee may do any of the following:

(1) Demand that a person occupying a suite provide:

(A) a written statement under IC 7.1-5-7-4; and

(B) identification indicating that the person is at least twenty-one (21) years of age.

(2) Supervise the self-service of alcoholic beverages.

(3) Have an employee in the suite who holds an employee permit under IC 7.1-3-18-9 to serve some or all of the alcoholic beverages.

SECTION 8. IC 7.1-3-14-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) The holder of a wine retailer's permit is entitled to purchase wine only from a permittee entitled to sell to the wine retailer under this title. A wine retailer is entitled to possess wine and sell it at retail to a customer for consumption on the licensed premises. A wine retailer is also entitled to sell wine to a customer and deliver it in permissible containers to the customer on the licensed premises or to the customer's house.

(b) A wine retailer is not entitled to sell wine at wholesale. A wine retailer is not entitled to sell and deliver wine on the street or at the curb outside the licensed premises, nor is the wine retailer entitled to sell wine at a place other than the licensed premises. However, a wine retailer may offer food service (excluding alcoholic beverages) to a patron who is outside the licensed premises by transacting business through a window in the licensed premises.

(c) **Except as provided in IC 7.1-5-10-26**, a wine retailer is entitled to sell and deliver wine for carry out, or for at-home delivery.

SECTION 9. IC 7.1-3-18-9, AS AMENDED BY P.L.165-2006, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) The commission may issue an employee's permit to a person who desires to act as:

(1) a **sales clerk in a package liquor store; dealer establishment;**

(2) an employee who serves wine at a farm winery; or

(3) a bartender, waiter, waitress, or manager in a retail establishment, excepting dining car and boat employees.

(b) A permit authorized by this section is conditioned upon the compliance by the holder with reasonable rules relating to the permit which the commission may prescribe from time to time.

(c) A permit issued under this section entitles its holder to work for any lawful employer. However, a person may work without an employee's permit for thirty (30) days from the date shown on a receipt for a cashier's check or money order payable to the commission for that person's employee's permit application.



(d) A person who, for a package liquor store or retail establishment, is:

- (1) the sole proprietor;
- (2) a partner, a general partner, or a limited partner in a partnership or limited partnership that owns the business establishment;
- (3) a member of a limited liability company that owns the business establishment; or
- (4) a stockholder in a corporation that owns the business establishment;

is not required to obtain an employee's permit in order to perform any of the acts listed in subsection (a).

(e) An applicant may declare on the application form that the applicant will use the employee's permit only to perform volunteer service that benefits a nonprofit organization. It is unlawful for an applicant who makes a declaration under this subsection to use an employee's permit for any purpose other than to perform volunteer service that benefits a nonprofit organization.

(f) The commission may not issue an employee's permit to an applicant while the applicant is serving a sentence for a conviction for operating while intoxicated, including any term of probation or parole.

(g) The commission may not issue an employee's permit to an applicant who has two (2) unrelated convictions for operating while intoxicated if:

- (1) the first conviction occurred less than ten (10) years before the date of the applicant's application for the permit; and
- (2) the applicant completed the sentence for the second conviction, including any term of probation or parole, less than two (2) years before the date of the applicant's application for the permit.

(h) If an applicant for an employee's permit has at least three (3) unrelated convictions for operating while intoxicated in the ten (10) years immediately preceding the date of the applicant's application for the permit, the commission may not grant the issuance of the permit. If, in the ten (10) years immediately preceding the date of the applicant's application the applicant has:

- (1) one (1) conviction for operating while intoxicated, and the applicant is not subject to subsection (f); or
- (2) two (2) unrelated convictions for operating while intoxicated, and the applicant is not subject to subsection (f) or (g);

the commission may grant or deny the issuance of a permit.

(i) The commission shall revoke a permit issued to an employee





1 under this section if:

2 (1) the employee is convicted of a Class B misdemeanor for  
3 violating IC 7.1-5-10-15(a); or

4 (2) the employee is convicted of operating while intoxicated after  
5 the issuance of the permit.

6 The commission may revoke a permit issued to an employee under this  
7 section for any violation of this title or the rules adopted by the  
8 commission.

9 SECTION 10. IC 7.1-5-6-3, AS AMENDED BY P.L.159-2014,  
10 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2015]: Sec. 3. (a) It is unlawful for a person to act as a clerk  
12 in a package liquor store, or as a bartender, waiter, waitress, or  
13 manager for a retailer permittee in a position that is listed in  
14 IC 7.1-3-18-9(a) unless that person has applied for and been issued the  
15 appropriate an employee's permit. This section does not apply to  
16 dining car or boat employees or to a person described in  
17 IC 7.1-3-18-9(d). A person who knowingly or intentionally violates this  
18 subsection commits a Class B misdemeanor.

19 (b) It is a defense to a charge under this section if, not later than  
20 thirty (30) days after being cited by the commission, the person who  
21 was cited produces evidence that the appropriate permit was issued by  
22 the commission on the date of the citation.

23 (c) It is a defense to a charge under this section for a new applicant  
24 for a permit if, not later than thirty (30) days after being cited by the  
25 commission, the new applicant who was cited produces a receipt for a  
26 cashier's check or money order showing that an application for the  
27 appropriate permit was applied for on the date of the citation.

28 SECTION 11. IC 7.1-5-7-13, AS AMENDED BY P.L.94-2008,  
29 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
30 JULY 1, 2015]: Sec. 13. Section 12 of this chapter does not prohibit the  
31 following:

32 (1) The employment of a person at least eighteen (18) years of age  
33 but less than twenty-one (21) years of age on or about licensed  
34 premises where alcoholic beverages are sold, furnished, or given  
35 away for consumption either on or off the licensed premises, for  
36 a purpose other than:

37 (A) selling;  
38 (B) furnishing, other than serving;  
39 (C) consuming; or  
40 (D) otherwise dealing in;  
41 alcoholic beverages.

42 (2) A person at least nineteen (19) years of age but less than



twenty-one (21) years of age from ringing up a sale of alcoholic beverages in the course of the person's employment. **This subdivision does not apply to dealer establishments.**

(3) A person who is at least nineteen (19) years of age but less than twenty-one (21) years of age and who has successfully completed an alcohol server training program certified under IC 7.1-3-1.5 from serving alcoholic beverages in a dining area or family room of a restaurant or hotel:

(A) in the course of a person's employment as a waiter, waitress, or server; and

(B) under the supervision of a person who:

(i) is at least twenty-one (21) years of age;

(ii) is present at the restaurant or hotel; and

(iii) has successfully completed an alcohol server training program certified under IC 7.1-3-1.5 by the commission.

This subdivision does not allow a person at least nineteen (19) years of age but less than twenty-one (21) years of age to be a bartender.

SECTION 12. IC 7.1-5-10-24 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 24. (a) As used in this section, "self-service display" means a display that contains liquor in an area where a customer:**

(1) is permitted; and

(2) has access to the liquor without assistance from a sales clerk.

(b) This section does not apply to a self-service display located on the premises of a package liquor store.

(c) The holder of a liquor dealer permit may not sell or distribute liquor through a self-service display.

SECTION 13. IC 7.1-5-10-25 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 25. (a) This section does not apply to a package liquor store.**

(b) The holder of a beer dealer's permit must display beer in:

(1) one (1) area or aisle of the licensed premises; or

(2) a partitioned area or room that is separate from other retail items for sale on the premises.

(c) The holder of a wine dealer's permit must display wine in:

(1) one (1) area or aisle of the licensed premises; or

(2) a partitioned area or room that is separate from other retail items for sale on the premises.



(d) A holder of a beer dealer's permit that is also the holder of a wine dealer's permit must display beer and wine together in:

- (1) one (1) area or aisle of the licensed premises; or
- (2) a partitioned area or room that is separate from other retail items for sale on the premises.

SECTION 14. IC 7.1-5-10-26 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 26. (a) This section does not apply to the licensed premises of a drug store or grocery store or a restaurant to which the following apply:**

- (1) A person has, on June 30, 2015, an interest in:
  - (A) a dealer's permit for the drug store or grocery store; and
  - (B) a retailer's permit for the restaurant.
- (2) The licensed premises of the:
  - (A) drug store or grocery store; and
  - (B) restaurant;
 as described in the permit applications, are located in the same building.

(b) If:

- (1) a person has an interest in:
  - (A) a dealer's permit for a drug store or grocery store; and
  - (B) a retailer's permit for a restaurant; and
- (2) the licensed premises of the drug store or grocery store and the restaurant are located in the same building;

the licensed premises of the drug store or grocery store and the licensed premises of the restaurant must be completely separated by a wall and have separate entrances.

(c) Beer, wine, and liquor may not be sold for carry out from the licensed premises of a restaurant described in subsection (b).

SECTION 15. IC 7.1-5-10-27 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 27. It is unlawful for a person who is the proprietor of a package liquor store, drug store, or grocery store to allow a purchaser of alcoholic beverages, or any other person who is not a sales clerk, to ring up or otherwise record an alcoholic beverage sale.**



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1624, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 7.1-1-3-40.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 40.5. "Sales clerk" means a person who:**

**(1) rings up or otherwise records an alcoholic beverage for sale; or**

**(2) assists customers in accessing liquor in a drug store; in the course of the person's employment in a dealer establishment."**

Page 2, delete lines 9 through 42, begin a new paragraph and insert:

"SECTION 3. IC 7.1-3-1-14, AS AMENDED BY P.L.10-2010, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 14. (a) It is lawful for an appropriate permittee, unless otherwise specifically provided in this title, to sell alcoholic beverages each day Monday through Saturday from 7 a.m., prevailing local time, until 3 a.m., prevailing local time, the following day. ~~Sales shall cease wholly on Sunday at 3 a.m., prevailing local time, and not be resumed until the following Monday at 7 a.m., prevailing local time.~~

(b) It is lawful for the holder of a retailer's permit to sell the appropriate alcoholic beverages for consumption on the licensed premises only on Sunday from 7 a.m., prevailing local time, until 3 a.m., prevailing local time, the following day.

**(c) A holder of an alcoholic beverage permit who is authorized under this title to sell alcoholic beverages for carryout may sell the appropriate alcoholic beverages on Sunday for carryout from 7 a.m., prevailing local time, until 3 a.m., prevailing local time, the following day.**

~~(c)~~ **(d)** It is lawful for the holder of a permit under this article to sell alcoholic beverages at athletic or sports events held on Sunday upon premises that:

- (1) are described in section 25(a) of this chapter;
- (2) are a facility used in connection with the operation of a paved track more than two (2) miles in length that is used primarily in the sport of auto racing; or
- (3) are being used for a professional or an amateur tournament;

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beginning one (1) hour before the scheduled starting time of the event or, if the scheduled starting time of the event is 1 p.m. or later, beginning at noon.

~~(d)~~ (e) It is lawful for the holder of a valid beer, wine, or liquor wholesaler's permit to sell to the holder of a valid retailer's or dealer's permit at any time.

SECTION 4. IC 7.1-3-1.5-2, AS ADDED BY P.L.161-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. As used in this chapter, "dealer permittee" means a person who holds a liquor dealer permit. ~~under IC 7.1-3-10 for a package liquor store.~~

Delete pages 3 through 5.

Page 6, delete lines 1 through 19, begin a new paragraph and insert:

"SECTION 5. IC 7.1-3-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) The holder of a beer retailer's permit shall be entitled to purchase beer for sale under **his the holder's beer retailer's** permit only from a permittee entitled to sell to ~~him the holder~~ under this title. A beer retailer shall be entitled to possess beer and sell it at retail to a customer for consumption on the licensed premises. A beer retailer also shall be entitled to sell beer to a customer and deliver it in permissible containers to the customer on the licensed premises, or to the customer's house.

(b) A beer retailer shall not be entitled to sell beer at wholesale. ~~He~~ **A beer retailer** shall not be entitled to sell and deliver beer on the street or at the curb outside the licensed premises, nor shall ~~he the beer retailer~~ be entitled to sell beer at a place other than the licensed premises. However, a beer retailer may offer food service (excluding alcoholic beverages) to a patron who is outside the licensed premises by transacting business through a window in the licensed premises.

(c) **Except as provided in IC 7.1-5-10-26**, a beer retailer shall be entitled to sell and deliver warm or cold beer for carry out, or for at-home delivery, in barrels or other commercial containers in a quantity that does not exceed fifteen and one-half (15 1/2) gallons at any one (1) time.

SECTION 6. IC 7.1-3-9-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) The holder of a liquor retailer's permit shall be entitled to purchase liquor only from a permittee entitled to sell to ~~him the holder~~ under this title. A liquor retailer shall be entitled to possess liquor and sell it at retail to a customer for consumption on the licensed premises. A liquor retailer also shall be entitled to sell liquor to a customer and deliver it in



permissible containers to the customer on the licensed premises, or to the customer's house.

(b) A liquor retailer shall not be entitled to sell liquor at wholesale. ~~He~~ **A liquor retailer** shall not be entitled to sell and deliver liquor on the street or at the curb outside the licensed premises, nor shall ~~he~~ **the liquor retailer** be entitled to sell liquor at a place other than the licensed premises. However, a liquor retailer may offer food service (excluding alcoholic beverages) to a patron who is outside the licensed premises by transacting business through a window in the licensed premises.

(c) **Except as provided in IC 7.1-5-10-26**, a liquor retailer shall not be entitled to sell and deliver liquor for carry out, or for at-home delivery, in a quantity that exceeds four (4) quarts at any one (1) time."

Page 7, delete lines 19 through 42, begin a new paragraph and insert:

"SECTION 8. IC 7.1-3-14-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) The holder of a wine retailer's permit is entitled to purchase wine only from a permittee entitled to sell to the wine retailer under this title. A wine retailer is entitled to possess wine and sell it at retail to a customer for consumption on the licensed premises. A wine retailer is also entitled to sell wine to a customer and deliver it in permissible containers to the customer on the licensed premises or to the customer's house.

(b) A wine retailer is not entitled to sell wine at wholesale. A wine retailer is not entitled to sell and deliver wine on the street or at the curb outside the licensed premises, nor is the wine retailer entitled to sell wine at a place other than the licensed premises. However, a wine retailer may offer food service (excluding alcoholic beverages) to a patron who is outside the licensed premises by transacting business through a window in the licensed premises.

(c) **Except as provided in IC 7.1-5-10-26**, a wine retailer is entitled to sell and deliver wine for carry out, or for at-home delivery.

SECTION 9. IC 7.1-3-18-9, AS AMENDED BY P.L.165-2006, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) The commission may issue an employee's permit to a person who desires to act as:

- (1) ~~a sales clerk in a package liquor store;~~ **dealer establishment;**
- (2) an employee who serves wine at a farm winery; or
- (3) a bartender, waiter, waitress, or manager in a retail establishment, excepting dining car and boat employees.

(b) A permit authorized by this section is conditioned upon the compliance by the holder with reasonable rules relating to the permit



which the commission may prescribe from time to time.

(c) A permit issued under this section entitles its holder to work for any lawful employer. However, a person may work without an employee's permit for thirty (30) days from the date shown on a receipt for a cashier's check or money order payable to the commission for that person's employee's permit application.

(d) A person who, for a package liquor store or retail establishment, is:

- (1) the sole proprietor;
- (2) a partner, a general partner, or a limited partner in a partnership or limited partnership that owns the business establishment;
- (3) a member of a limited liability company that owns the business establishment; or
- (4) a stockholder in a corporation that owns the business establishment;

is not required to obtain an employee's permit in order to perform any of the acts listed in subsection (a).

(e) An applicant may declare on the application form that the applicant will use the employee's permit only to perform volunteer service that benefits a nonprofit organization. It is unlawful for an applicant who makes a declaration under this subsection to use an employee's permit for any purpose other than to perform volunteer service that benefits a nonprofit organization.

(f) The commission may not issue an employee's permit to an applicant while the applicant is serving a sentence for a conviction for operating while intoxicated, including any term of probation or parole.

(g) The commission may not issue an employee's permit to an applicant who has two (2) unrelated convictions for operating while intoxicated if:

- (1) the first conviction occurred less than ten (10) years before the date of the applicant's application for the permit; and
- (2) the applicant completed the sentence for the second conviction, including any term of probation or parole, less than two (2) years before the date of the applicant's application for the permit.

(h) If an applicant for an employee's permit has at least three (3) unrelated convictions for operating while intoxicated in the ten (10) years immediately preceding the date of the applicant's application for the permit, the commission may not grant the issuance of the permit. If, in the ten (10) years immediately preceding the date of the applicant's application the applicant has:



(1) one (1) conviction for operating while intoxicated, and the applicant is not subject to subsection (f); or

(2) two (2) unrelated convictions for operating while intoxicated, and the applicant is not subject to subsection (f) or (g);

the commission may grant or deny the issuance of a permit.

(i) The commission shall revoke a permit issued to an employee under this section if:

(1) the employee is convicted of a Class B misdemeanor for violating IC 7.1-5-10-15(a); or

(2) the employee is convicted of operating while intoxicated after the issuance of the permit.

The commission may revoke a permit issued to an employee under this section for any violation of this title or the rules adopted by the commission.

SECTION 10. IC 7.1-5-6-3, AS AMENDED BY P.L.159-2014, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) It is unlawful for a person to act ~~as a clerk in a package liquor store, or as a bartender, waiter, waitress, or manager for a retailer permittee in a position that is listed in IC 7.1-3-18-9(a)~~ unless that person has applied for and been issued ~~the appropriate~~ **an employee's** permit. This section does not apply to dining car or boat employees or to a person described in IC 7.1-3-18-9(d). A person who knowingly or intentionally violates this subsection commits a Class B misdemeanor.

(b) It is a defense to a charge under this section if, not later than thirty (30) days after being cited by the commission, the person who was cited produces evidence that the appropriate permit was issued by the commission on the date of the citation.

(c) It is a defense to a charge under this section for a new applicant for a permit if, not later than thirty (30) days after being cited by the commission, the new applicant who was cited produces a receipt for a cashier's check or money order showing that an application for the appropriate permit was applied for on the date of the citation.

SECTION 11. IC 7.1-5-7-13, AS AMENDED BY P.L.94-2008, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 13. Section 12 of this chapter does not prohibit the following:

(1) The employment of a person at least eighteen (18) years of age but less than twenty-one (21) years of age on or about licensed premises where alcoholic beverages are sold, furnished, or given away for consumption either on or off the licensed premises, for a purpose other than:





- (A) selling;
- (B) furnishing, other than serving;
- (C) consuming; or
- (D) otherwise dealing in;

alcoholic beverages.

(2) A person at least nineteen (19) years of age but less than twenty-one (21) years of age from ringing up a sale of alcoholic beverages in the course of the person's employment. **This subdivision does not apply to dealer establishments.**

(3) A person who is at least nineteen (19) years of age but less than twenty-one (21) years of age and who has successfully completed an alcohol server training program certified under IC 7.1-3-1.5 from serving alcoholic beverages in a dining area or family room of a restaurant or hotel:

- (A) in the course of a person's employment as a waiter, waitress, or server; and
- (B) under the supervision of a person who:
  - (i) is at least twenty-one (21) years of age;
  - (ii) is present at the restaurant or hotel; and
  - (iii) has successfully completed an alcohol server training program certified under IC 7.1-3-1.5 by the commission.

This subdivision does not allow a person at least nineteen (19) years of age but less than twenty-one (21) years of age to be a bartender.

SECTION 12. IC 7.1-5-10-24 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 24. (a) As used in this section, "self-service display" means a display that contains liquor in an area where a customer:**

- (1) is permitted; and**
- (2) has access to the liquor without assistance from a sales clerk.**

**(b) This section does not apply to a self-service display located on the premises of a package liquor store.**

**(c) The holder of a liquor dealer permit may not sell or distribute liquor through a self-service display.**

SECTION 13. IC 7.1-5-10-25 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 25. (a) This section does not apply to a package liquor store.**

- (b) The holder of a beer dealer's permit must display beer in:**
  - (1) one (1) area or aisle of the licensed premises; or**



- (2) a partitioned area or room that is separate from other retail items for sale on the premises.
- (c) The holder of a wine dealer's permit must display wine in:
  - (1) one (1) area or aisle of the licensed premises; or
  - (2) a partitioned area or room that is separate from other retail items for sale on the premises.
- (d) A holder of a beer dealer's permit that is also the holder of a wine dealer's permit must display beer and wine together in:
  - (1) one (1) area or aisle of the licensed premises; or
  - (2) a partitioned area or room that is separate from other retail items for sale on the premises.

SECTION 14. IC 7.1-5-10-26 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 26. (a) This section does not apply to the licensed premises of a drug store or grocery store or a restaurant to which the following apply:**

- (1) A person has, on June 30, 2015, an interest in:
  - (A) a dealer's permit for the drug store or grocery store; and
  - (B) a retailer's permit for the restaurant.
- (2) The licensed premises of the:
  - (A) drug store or grocery store; and
  - (B) restaurant;
 as described in the permit applications, are located in the same building.
- (b) If:
  - (1) a person has an interest in:
    - (A) a dealer's permit for a drug store or grocery store; and
    - (B) a retailer's permit for a restaurant; and
  - (2) the licensed premises of the drug store or grocery store and the restaurant are located in the same building;
 the licensed premises of the drug store or grocery store and the licensed premises of the restaurant must be completely separated by a wall and have separate entrances.
- (c) Beer, wine, and liquor may not be sold for carry out from the licensed premises of a restaurant described in subsection (b).

SECTION 15. IC 7.1-5-10-27 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 27. It is unlawful for a person who is the proprietor of a package liquor store, drug store, or grocery store to allow a purchaser of alcoholic beverages, or any other person who is not a sales clerk, to ring up or otherwise**



**record an alcoholic beverage sale."**

Delete pages 8 through 9.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1624 as introduced.)

DERMODY

Committee Vote: yeas 10, nays 2.

